

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 JOSHUA JEFFREY TRUEBLOOD,

11 Plaintiff,

12 v.

13 OFFICER SGT. CAPPOLA, *et al.*,

14 Defendants.

CASE NO. 3:19-cv-05816 RBL-JRC

ORDER DENYING MOTION TO
APPOINT MEDICAL EXPERT

15
16 This matter is before the Court on an untitled document filed by plaintiff that the Clerk's
17 Office docketed as a "Motion for Court Order for Professional Opinion by Hospital." Dkt. 10.
18 The Court interprets the document as a motion for the appointment of a medical expert under
19 Federal Rule of Evidence 706. Because this matter is at an early stage with no pending matters
20 requiring an expert witness's assistance, the request for appointment of a medical expert is
21 denied without prejudice.

22 ///

23 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

The Court interprets plaintiff’s request as one for the appointment of an expert witness. *See* Fed. R. Evid. 706. “A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if . . . the expert’s scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue,” among other requirements. *See* Fed. R. Evid. 702(a). Rule 706(a) provides “discretion [for the Court] to appoint a neutral expert witness.” *Claiborne v. Blauser*, 934 F.3d 885, 901 n.7 (9th Cir. 2019). The expert is entitled to compensation set by the Court, which is payable “by the parties in the proportion and at the time that the court directs[.]” *See* Fed. R. Evid. 706(c)(2).

Dated this 12th day of November, 2019.

J. Richard Creatura
United States Magistrate Judge